

Application No. 10/663,515
Response to 4 October 2004 Non-Final Office Action

REMARKS

Claims 11-17 are pending. By this Amendment, claims 1-10 are canceled, claims 1 and 14 are amended, and new claim 17 is added.

Support for the amendments to claim 11 may be found, e.g., in the paragraph bridging pages 7-8 and in the first full paragraph on page 8 of the specification.

Claim 14 is amended to recite ““the at least one locking mechanism” in place of “the locking mechanisms,” the former having antecedence in claim 11, from which claim 14 directly depends. Amending claim 14 to more clearly state antecedence does not narrow the scope thereof.

Support for added claim 17 may be found, e.g., in the first full paragraph on page 5 and in the first and third full paragraphs on page 6 of the specification. Further features of the invention recited in claim 17 are that the locking mechanism includes the first and second springs (27 and 25) and that the first spring (27) is arranged and constructed to rotationally bias the hook (21) such that the biasing direction of the hook is turned over in the course of rotation from its locking position to its unlocking position.

No new matter has been added by the amendments to claim 11 or added claim 17. In view of the foregoing amendments to the claims, reconsideration and withdrawal of the rejections are respectfully requested.

37 C.F.R. § 1.83(a)

The drawings were objected to under 37 C.F.R. § 1.83(a), the rejection asserting the drawings not disclosing every feature on the invention specified in the claims - specifically that the locking mechanism and interconnecting member acting as a hinge (claims 4 and 8) was not depicted. The foregoing limitations are no longer recited by pending claims because claims 4

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and 8 are canceled. Hence, the Examiner is respectfully requested to reconsider and withdraw the objection to the drawings.

37 C.F.R. § 1.75(d)(1)

The specification was objected to under 37 C.F.R. § 1.75(d)(1) as failing to provide proper antecedent basis for the claimed subject matter – specifically, the locking mechanism and interconnecting member acting as a hinge (claims 4 and 8) and the interconnecting member acting as a grip for the seat (claims 6, 10, and 15). Claims 4 and 8 are canceled. Therefore, the former limitations are no longer recited by pending claims. Claims 6 and 10 are also canceled. Therefore, the latter limitations are no longer recited by these claims. With respect to claim 15, use of the engagement member as a grip for handling the seat is supported, e.g., in the first fully paragraph on page 9 of the specification. Because the limitations recited are no longer recited by pending claims or are supported by the specification, the Examiner is respectfully requested to reconsider and withdraw the objection.

35 U.S.C. § 102

Claims 1-3, 7, and 11-13 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. 6,345,856 ("Minai"). Applicants respectfully traverse this rejection. However, on order to advance the prosecution of this Application, claims 1-10 are canceled and claim 11 is amended. A claim is anticipated only if all limitations are disclosed in a single reference.¹ The rejection is deemed moot with respect to canceled claims 1-3 and 7.

¹ See M.P.E.P. § 2131 ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).")

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Regarding claim 11, the operation member (the lever) 30 includes a manipulation portion 31 and an operation portion 32 rotatably connected to the manipulation portion 31. When the operation member 30 is rotated, the manipulation portion 31 rotates relative to the operation portion 32 so as to engage and rotate the pawl 23 and the pawl connecting rod 28. As a result, the pawl 23 is disengaged from the hook 21. When the operation member 30 is further rotated, the manipulation portion 31 is disengaged from the pawl 23 and the operation portion 32 rotates together with the manipulation portion 31 so as to act and rotate the hook 21 (the hook connecting rod 26). As a result the hook 21 is rotated to the unlocking position. Thus, the present operation member 30 can independently rotate the pawl 23 and the hook 21 in a single action.

By contrast in the invention of Minai, the lever (2) has a handle portion (2A) and lateral portions (2B). However, the handle portion (2A) is not constructed to rotate relative to the lateral portions (2B). Also, the lever (2) is arranged and constructed to rotate only the pawl or actuator piece (30) and the lock cam (34). That is, the lever (2) is not constructed to directly rotate the hook or latch (33). The latch (33) is indirectly rotated by the spring force of the spring (35) when the actuator piece (30) is rotated.

Hence, Applicants respectfully submit that Minai neither discloses nor suggests a seat mounting device, wherein "the manipulation portion is moved relative to the operation portion so as to engage and move the pawl, thereby disengaging the pawl from the hook," "wherein when the operation member is further operated, the manipulation portion is disengaged from the pawl" and "then the operation portion is moved together with the manipulation portion so as to act and move the hook." Because the foregoing claim 11 limitations are neither disclosed by Minai, claim 11 is not anticipated thereby. The other pending rejected claims depend directly or indirectly from claim 11. Therefore, the other pending rejected claims are not anticipated by Minai as well and a prima facie case of anticipation has not been established. Because a prima

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facie case of anticipation has not been established, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-4, 7-8, and 11 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. 4,978,158 ("Kubo et al."). Applicants respectfully traverse this rejection. However, on order to advance the prosecution of this Application, claims 1-4 and 7-8 are canceled and claim 11 is amended as described above.

Kubo et al. discloses that the lever includes a handle portion (10) and a connection portion (6). However, the handle portion (10) is not constructed to rotate relative to the connecting portion (6). Also, the lever is arranged and constructed to rotate the hook or lock members (4 and 5). Moreover, Kubo et al. does not include a member corresponding to the pawl of the instant invention. Kubo et al. additionally fails to disclose or suggest the other limitations amended into claim 11 and discussed above as well. Because all the limitations of claim 11 are neither disclosed nor suggested by Kubo et al., claim 11 is not anticipated thereby, a prima facie case of anticipation has not been established, and the Examiner is respectfully requested to reconsider and withdraw the rejection.

35 U.S.C. § 103

Claims 5-6, 9-10, and 14-15 were rejected under 35 U.S.C. § 103(a) as obvious over Minai. Applicant respectfully traverses this rejection. However, on order to advance the prosecution of this Application, claims 5-6 and 9-10 are canceled and claim 11 is amended as described above.

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In order to establish a prima facie case of obviousness, a rejection must cite documents which, inter alia, teach or suggest all the claim limitations.² As shown above Minai fails to disclose or suggest all the limitations of claim 11. Hence, claim 11 is not obvious over Minai and a prima facie case of obviousness has not been established. Rejected claims 14-15 depend directly or indirectly from claim 11. Therefore, a prima facie case has not been established with respect to claims 14-15 as well. Because a prima facie case of obviousness has not been established with respect to claims 14-15, reconsideration and withdrawal of the rejection are respectfully requested.

Double Patenting

The Office Action advised that should claim 3 be found allowable, claim 7 would be objected to under 37 C.F.R. § 1.75 as a substantial duplicate thereof. Claims 3 and 7 are canceled and the Examiner is respectfully requested to withdraw the objection.

Allowable Subject Matter

The Office Action stated that claim 16 was allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims. For reasons stated herein, all pending claims are believed to be in condition for allowance.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

² See M.P.E.P. 2143 ("To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations.").

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,


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